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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/724,631	10/01/96	MCCORMICK	M 700399.90053
			EXAMINER

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12M1/0722

UNIT	PAPER NUMBER
1211	3

DATE MAILED: 07/22/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 10-1-96 and 5-12-97

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-24 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
☒ Claim(s) 13-24 is/are allowed.
☒ Claim(s) 1-12 is/are rejected.
☐ Claim(s) _____ is/are objected to.
☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.
☐ received in Application No. (Series Code/Serial Number) _____
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited; PTO-892
☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5-11-97
☐ Interview Summary, PTO-413
☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
☐ Notice of Informal Patent Application, PTO-152

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--SEE OFFICE ACTION ON THE FOLLOWING PAGES--

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This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed. The required changes to the drawings are detailed on the accompanying PTO Form 948.

Claims 1 - 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 is rendered vague and indefinite because of the phrase "further comprising the step of covalently coupling the carrier molecule to the indicator molecule" suggesting that a polymeric carrier with an indicator coupled to it has not already been added to the DNA solution. Applicant might consider using the following language: "wherein said carrier is covalently attached to the indicator molecule".

Claims 3 - 12 are rendered vague and indefinite by the phrase "further comprising the step" and "comprising the step", each of which suggests that the covalently attachment of the carrier to the indicator occurs after a carrier coupled to an indicator has already been added as set forth in claim 1.

The Suprelco information sheet has been deleted from the Information Disclosure Sheet because there is no publication date.

Claims 1 - 12 are rejected. Claims 13 - 24 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kunz, whose telephone number is (703) 308-4623. The examiner

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can normally be reached on Tuesday through Friday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kight, can be reached on (703) 308-0204. The fax phone number for this Group is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235.


GARY L. KUNZ
PRIMARY EXAMINER
GROUP 1200

Gary L. Kunz, Ph.D.
July 21, 1997